

1 SEDGWICK, DETERT, MORAN & ARNOLD LLP  
2 REBECCA A. HULL (Bar No. 99802 )  
3 JOSEPH KOURI (Bar No. 133804)  
4 JOANNE CARLSON (Bar No. 160898)  
5 One Market Plaza, Steuart Tower, 8th Floor  
6 San Francisco, California 94105  
7 Telephone: (415) 781-7900  
8 Facsimile: (415) 781-2635

\*\*E-filed 9/15/05\*\*

9 Attorneys for Plaintiffs Thomas Ernst, the National  
10 League of Postmasters of the United States, and the  
11 Postmasters Benefit Plan Trust, successor-in-interest to  
12 the Postmasters Benefit Plan

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 (San Jose Division)

16 UNITED STATES, *ex rel.*

CASE NO. CV 03-00890 JF

17 THOMAS ERNST, an individual, *et al.*,

18 Plaintiffs,

19 v.

**STIPULATION AND  
ORDER CONTINUING MOTION OF  
THOMAS ERNST TO DISMISS  
COUNTERCLAIM**

20 TENET HEALTHCARE  
21 CORPORATION, a Nevada corporation, ,  
22 et al.,

23 Defendants.

24 COMMUNITY HOSPITAL OF LOS  
25 GATOS, INC.,

26 Counterclaimant,

27 V.

28 THOMAS ERNST,

Counterdefendant.

29 The parties, Thomas Ernst, The National League of Postmasters of the United States, Inc.,  
30 as sponsors of the National League of Postmasters Benefit Plan Trust, successor-in-interest to the  
31 Postmasters Benefit Plan, Tenet Healthcare Corporation, Tenet Healthsystem Hospitals, Inc.,

Tenet Healthsystem Healthcorp, and Community Hospital of Los Gatos, Inc., by and through their counsel of record, agreed at a mediation session between the Parties on September 9, 2005 to stipulate to a continuance of the hearing on the **MOTION OF THOMAS ERNST TO DISMISS COUNTERCLAIM**, presently set for September 19, 2005, to October 14, 2005, the date of the next case management conference, in order to allow additional time for the Parties to negotiate a possible settlement agreement.

Patric Hooper, counsel for Defendants, orally agreed to this stipulation and authorized Plaintiffs' counsel to submit it to the Court.

Accordingly, the Parties respectfully request that this Court enter the following stipulation as an order:

The hearing on the **MOTION OF THOMAS ERNST TO DISMISS COUNTERCLAIM** shall be continued to October 14, 2005, to be heard at 9:00 a.m.in Courtroom 3 in conjunction with the case management conference on calendar for that date.

DATED: September 12, 2005 SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: \_\_\_\_\_  
 Rebecca A. Hull  
 Joseph Kouri  
 Joanne Carlson  
 Attorneys for Plaintiffs Thomas Ernst,  
 the National League of Postmasters of the  
 United States, Inc., as sponsor of the  
 Postmasters Benefit Plan Trust, successor-in-  
 interest to the Postmasters Benefit Plan

IT IS SO ORDERED.

DATED: 9/15/05 \_\_\_\_\_

By: /s/electronic signature authorized \_\_\_\_\_  
 JUDGE OF THE U.S. DISTRICT COURT